

Message Text

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ACTION SCI-06

INFO OCT-01 EUR-25 ISO-00 AGR-20 INT-08 NSF-04 AID-20

CEQ-02 CIAE-00 COA-02 COME-00 DODE-00 EB-11 EPA-04

INR-10 IO-14 L-03 NSC-07 NSAE-00 PM-07 RSC-01 SS-20

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O R 011227Z MAY 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 2180

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DEPT FOR BLACKISTON, SCI, PASS TO EPA

E.O. 11652: N/A

TAGS: SENV, GW

SUBJECT: PROSPECTIVE FRG-US ENVIRONMENTAL AGREEMENT

REF: (A) STATE 88066; (B) BONN 06930; (C) BONN
6291; (D) BONN 6248

1. FOLLOWING IS CURRENT DRAFT TEXT OF ENVIRONMENTAL
AGREEMENT, WITH AMENDMENTS APPROVED IN REF A AND INCLUD-
ING FRG AMENDMENT.REQUESTED PARA 1B, WHICH EMBASSY
ASSUMES WILL BE ACCEPTABLE TO US. PLEASE NOTE FULL TEXT
OF ARTICLE II.A.1. WHICH DIFFERS SLIGHTLY FROM
VERSION GIVEN IN REF A. THIS TRANSMISSION ERROR IN
REF D WAS CORRECTED IN REF C. REQUEST CONFIRMATION
VALIDITY AND ACCEPTABILITY THIS TEXT ASAP BY IMMEDIATE
CABLE. FRG WILL BEGIN PREPARATION OF FINAL GERMAN
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LANGUAGE VERSION ON BASIS FOLLOWING TEXT.

2. BEGIN TEXT OF AGREEMENT:

QUOTE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON COOPERATION IN ENVIRONMENTAL AFFAIRS END QUOTE.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY, (BEGIN UNDERLINE) BELIEVING THAT: (END UNDERLINE)

- THE NATIONAL ENVIRONMENT OF EACH COUNTRY AS WELL AS THE GLOBAL ENVIRONMENT MUST BE PROTECTED FOR THE HEALTH AND WELL-BEING OF PRESENT AND FUTURE GENERATIONS;

- EFFICIENT INDUSTRIALIZATION AND HEALTHFUL URBANIZATION REQUIRE EFFECTIVE POLLUTION ABATEMENT AND CONTROL AND ENVIRONMENTAL CONSERVATION POLICIES AND PRACTICES;

- COOPERATION BETWEEN THE TWO GOVERNMENTS IS OF MUTUAL ADVANTAGE IN COPING WITH SIMILAR PROBLEMS IN EACH COUNTRY AND IS IMPORTANT IN MEETING EACH GOVERNMENT'S RESPONSIBILITIES FOR THE MAINTENANCE OF THE GLOBAL ENVIRONMENT;

(BEGIN UNDERLINE) RECOGNIZING (END UNDERLINE) THE IMPORTANCE OF HARMONIOUS ENVIRONMENTAL POLICIES AND PRACTICES, PARTICULARLY AMONG INDUSTRIALIZED STATES AND GROUPS OF STATES, AS WELL AS THE EUROPEAN COMMUNITIES;

(BEGIN UNDERLINE) ACKNOWLEDGING (END UNDERLINE) THE SIGNIFICANT MUTUAL BENEFIT BEING DERIVED BY BOTH GOVERNMENTS FROM ONGOING COOPERATION IN VARIOUS FIELDS, INCLUDING OUTER SPACE RESEARCH AND TECHNOLOGY, NUCLEAR REACTOR SAFETY RESEARCH AND DEVELOPMENT, BIOMEDICAL AND HEALTH SERVICES
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DELIVERY RESEARCH, AND THOSE COVERED BY THE UNITED STATES-GERMAN COOPERATIVE PROGRAM IN NATURAL RESOURCES, ENVIRONMENTAL POLLUTION CONTROL AND URBAN DEVELOPMENT (UGNR); AND

(BEGIN UNDERLINE) DESIRING (END UNDERLINE) TO DEMONSTRATE THE INCREASE IN IMPORTANCE ATTACHED BY BOTH GOVERNMENTS TO COOPERATION IN ENVIRON-

MENTAL AFFAIRS;

(BEGIN UNDERLINE) AGREE (END UNDERLINE) AS
FOLLOWS:

ARTICLE I

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY - HEREIN-
AFTER REFERRED TO AS CONTRACTING PARTIES - THROUGH THEIR

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APPROPRIATE AGENCIES WILL MAINTAIN AND ENHANCE BILATERAL
COOPERATION IN THE FIELD OF ENVIRONMENTAL AFFAIRS ON
THE BASIS OF EQUALITY, RECIPROCITY AND MUTUAL BENEFIT.

ARTICLE II

COOPERATION MAY BE UNDERTAKEN IN MUTUALLY AGREED AREAS
PERTAINING TO ENVIRONMENTAL QUALITY MANAGEMENT, SUCH AS:

A. POLLUTION PROBLEMS OF MUTUAL CONCERN - THEIR
IDENTIFICATION AND STUDY AND ASSESSMENT OF RELEVANT
CONTROL TECHNOLOGY AND RELATED HEALTH EFFECTS, FOR
EXAMPLE:

1. SELECTED PROBLEMS OF WATER QUALITY
MANAGEMENT, INCLUDING SUCH ASPECTS AS WASTE
WATER TREATMENT FOR INDUSTRIAL, MUNICIPAL,
AND AGRICULTURAL POLLUTION, DEVELOPMENT OF
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WATER STANDARDS, SLUDGE DISPOSAL, MATHEMATI-
CAL MODELING WITH A VIEW TOWARD FUTURE POL-
LUTION PREVENTION AND RECLAMATION OF GROUND
WATER;

2. AIR POLLUTION, INCLUDING STATIONARY AND
MOBILE SOURCES, DEVELOPMENT OF LOW POLLUTION
POWER SYSTEMS, AND RELATED HEALTH EFFECTS;

3. SOLID WASTE MANAGEMENT AND RESOURCE RE-
COVERY;

4. PESTICIDES, TOXIC AND OTHER HARMFUL SUB-
STANCES;

5. MARINE POLLUTION;

6. NOISE POLLUTION;

7. ENVIRONMENTAL EFFECTS OF ENERGY USE, IN-
CLUDING EXTRACTION, CONVERSION, TRANSMISSION
AND CONSUMPTION;

B. ASSESSMENT OF ENVIRONMENTAL QUALITY,
INCLUDING TECHNIQUES OF MONITORING AND SURVEILLANCE;

C. DISCUSSION OF ENVIRONMENTAL POLICIES,
PRACTICES AND ORGANIZATION;

D. EXCHANGE OF EXPERIENCE ON THE DESIGN AND
COOPERATION IN THE DEVELOPMENT OF ENVIRONMENTAL INFOR-
MATION SYSTEMS;

E. TRAINING IN ENVIRONMENTAL PROTECTION;

F. ENVIRONMENTAL IMPACT EVALUATIONS;

G. CONSULTATIONS ON INTERNATIONAL ENVIRONMENTAL
POLICY ISSUES; AND

H. OTHER ENVIRONMENTAL PROTECTION AND ENHANCEMENT
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ACTIVITIES, AS AGREED.

ARTICLE III

THE FORMS OF COOPERATION TO BE UNDERTAKEN AS MUTUALLY
AGREED MAY INCLUDE:

A. MEETINGS TO DISCUSS ENVIRONMENTAL POLICY
ISSUES, TO IDENTIFY PROJECTS WHICH MAY BE USEFULLY
UNDERTAKEN ON A COOPERATIVE BASIS AND TECHNICAL SYMPOSIA
AND CONFERENCES;

B. IMPLEMENTATION OF AGREED COOPERATIVE PROJECTS;

C. EXCHANGE OF INFORMATION AND DATA ON ENVIRON-
MENTAL RESEARCH AND DEVELOPMENT ACTIVITIES, POLICIES,
PRACTICES, LEGISLATION AND REGULATIONS, AND ANALYSIS OF
OPERATING PROGRAMS AND EVALUATION OF ENVIRONMENTAL IM-
PACTS;

D. VISITS BY SCIENTISTS, TECHNICIANS, TEACHERS
OR ADMINISTRATORS ON SPECIFIC OR GENERAL SUBJECTS; AND

E. COORDINATION OF SPECIFIC RESEARCH ACTIVITIES.

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ARTICLE IV

THE CONTRACTING PARTIES WILL USE THEIR BEST EFFORTS TO HARMONIZE TO THE MAXIMUM EXTENT PRACTICABLE THEIR ENVIRONMENTAL POLICIES AND PRACTICES, AND TO PROMOTE BROAD INTERNATIONAL HARMONIZATION OF EFFECTIVE MEASURES TO PREVENT AND CONTROL ENVIRONMENTAL POLLUTION. IN THESE EFFORTS, THEY WILL SUPPORT STEPS TO:

A. ARRIVE AT INTERNATIONALLY AGREED SCIENTIFIC CRITERIA, PARTICULARLY THOSE RELATING TO HUMAN HEALTH;

B. ACHIEVE AGREEMENT ON LEVELS OF ACCEPTABLE ENVIRONMENTAL QUALITY;

C. DEVELOP AND DISSEMINATE INFORMATION ON BEST TECHNOLOGY AVAILABLE TO ABATE POLLUTION AND ENCOURAGE LIMITED OFFICIAL USE

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WIDESPREAD USE OF THE BEST TECHNOLOGY AVAILABLE FOR CONTROLLING POLLUTION.

THE CONTRACTING PARTIES WILL USE THEIR BEST EFFORTS TO ENSURE THAT THE COST OF CARRYING OUT POLLUTION PREVENTION AND CONTROL MEASURES WILL BE INCLUDED IN THE COST OF GOODS AND SERVICES WHICH CAUSE POLLUTION IN PRODUCTION OR CONSUMPTION, AND TO PREVENT ENVIRONMENTAL PROTECTIVE MEASURES BEING USED AS NON TARIFF BARRIERS TO TRADE. WHERE TRADE DISTORTIONS RESULT FROM DIFFERENCES IN THE ENVIRONMENTAL PRACTICES AND

PROCEDURES OF THE TWO COUNTRIES, THE CONTRACTING PARTIES WILL CONSULT UPON REQUEST WITH A VIEW TO MITIGATING SUCH DISTORTIONS.

ARTICLE V

EACH CONTRACTING PARTY WILL NOTIFY THE OTHER OF THE NAMES OF ONE OR MORE COORDINATORS RESPONSIBLE FOR THE CONDUCT OF ITS ACTIVITIES UNDER THIS AGREEMENT. EACH CONTRACTING PARTY MAY ALSO IDENTIFY SUCH ADMINISTRATIVE ARRANGEMENTS AS IT DEEMS DESIRABLE TO PERMIT ITS MOST EFFECTIVE PARTICIPATION IN THE VARIOUS COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT. BY MUTUAL AGREEMENT, SPECIFIC COOPERATIVE ACTIVITIES MAY BE CONFIRMED BY SEPARATE AGENCY-TO-AGENCY ARRANGEMENTS. AS MUTUALLY AGREED, JOINT MEETINGS OF THE COORDINATORS MAY BE HELD TO REVIEW CURRENT AND FUTURE ACTIVITIES UNDER THIS AGREEMENT. EACH CONTRACTING PARTY WILL ENSURE FOR ITS PART APPROPRIATE COORDINATION AMONG ACTIVITIES UNDER THIS AGREEMENT WITH OTHER COOPERATIVE PROGRAMS BETWEEN THE TWO GOVERNMENTS.

ARTICLE VI

PARTICIPANTS IN THE COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT MAY INCLUDE GOVERNMENT AGENCIES, ACADEMIC INSTITUTIONS, PRIVATE ECONOMIC ENTERPRISES, AND CITIZEN ORGANIZATIONS.

ARTICLE VII

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SCIENTIFIC AND TECHNOLOGICAL INFORMATION OF A NON-PROPRIETARY NATURE DERIVED FROM THE COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT WILL BE MADE AVAILABLE TO THE WORLD SCIENTIFIC COMMUNITY THROUGH CUSTOMARY CHANNELS AND IN ACCORDANCE WITH THE NORMAL PROCEDURES OF THE PARTICIPATING AGENCIES. THE DISPOSITION OF PATENTS, KNOW-HOW, AND OTHER PROPRIETARY PROPERTY DERIVED FROM THE COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT WILL BE PROVIDED FOR IN DETAILED ARRANGEMENTS COVERING SPECIFIC PROGRAMS AND PROJECTS.

ARTICLE VIII

NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PREJUDICE OTHER ARRANGEMENTS OR FUTURE ARRANGEMENTS FOR COOPERATION BETWEEN THE CONTRACTING PARTIES OR WITH THIRD PARTIES.

ACTIVITIES UNDER THIS AGREEMENT SHALL BE SUBJECT
TO THE AVAILABILITY OF APPROPRIATED FUNDS AND TO THE
APPLICABLE LAWS AND REGULATIONS IN EACH COUNTRY.
UNLESS OTHERWISE AGREED, EACH CONTRACTING PARTY WILL
BEAR THE COSTS OF ITS OWN PARTICIPATION IN THIS

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AGREEMENT.

ARTICLE IX

THIS AGREEMENT SHALL ALSO APPLY TO LAND BERLIN UNLESS
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY MAKES
A CONTRARY DECLARATION TO THE GOVERNMENT OF THE UNITED
STATES OF AMERICA WITHIN THREE MONTHS OF THE ENTRY INTO
FORCE OF THE AGREEMENT.

ARTICLE X

THE PRESENT AGREEMENT SHALL ENTER INTO FORCE ONE MONTH FROM THE DATE ON WHICH THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY SHALL HAVE NOTIFIED THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT THE NECESSARY CONSTITUTIONAL REQUIREMENTS FOR SUCH ENTRY INTO FORCE HAVE BEEN FULFILLED, SHALL REMAIN IN FORCE FOR FIVE LIMITED OFFICIAL USE

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YEARS, AND BE AUTOMATICALLY RENEWED FOR A FURTHER FIVE-YEAR PERIOD UNLESS EITHER PARTY NOTIFIES THE OTHER THREE MONTHS PRIOR TO THE EXPIRATION OF THE FIRST FIVE-YEAR PERIOD OF ITS DESIRE THAT THE AGREEMENT BE TERMINATED. THE TERMINATION OF THIS AGREEMENT SHALL NOT AFFECT THE VALIDITY OF ANY ARRANGEMENTS MADE UNDER THIS AGREEMENT.

DONE AT , IN DUPLICATE, IN THE ENGLISH AND GERMAN LANGUAGES, BOTH BEING EQUALLY AUTHENTIC, THIS DAY OF , 1974.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
END TEXT OF AGREEMENT
HILLENBRAND

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Message Attributes

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Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition History: n/a
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